

## REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 1, 9, 14, 17, 24, 27 and 30 have been amended to present the claims in better form for allowance and for possible consideration on appeal. Applicants respectfully request the Examiner to accept the proposed amendments. Claims 2, 5, 15, 18 and 21-23 have been cancelled without prejudice. No new claims have been added. Therefore, claims 1, 3-4, 6-14, 16-17, 19-20 and 24-34 are now are presented for examination.

### 35 U.S.C. § 103 Rejection

Claims 1, 4, 6-12, 14, 16-17, 20, 24, 26-33 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Kenner et al., U.S. Patent No. 6,269,394 (“Kenner”), in view of Rune, U.S. Patent No. 6,304,913 (“Rune”).

Applicants submit that Kenner discloses that “[w]hen *the user requests a desired video clip, the request is processed by a primary index manager (“PIM”) via a Local Search and Retrieval Unit (“SRU”) [and] . . . [b]efore the message is communicated to the PIM*, the local SRU checks its own storage to see whether the requested video clips are available locally . . . [t]he PIM determines the extended SRU where the audio-visual data is stored and passes this information to a Data Sequencing Interface (“DSI”) . . . [which] collects the video clips and downloads the clips to the user’s terminal . . . [t]he user may then view, copy, or print the video clip as desired.” (Abstract; emphasis provided). Stated differently, Kenner discloses attempting to provide video clips “stored locally” and, if such attempt fails, to provide “a system whereby remotely stored audio and video content can be requested and retrieved from a server selected so as to maximize network capacity and minimize transmission delays.” (col. 1, lines 11-21).

Applicants submit that Rune discloses an “[i]nternet system [that] includes [a] requester that transmits a translation request to a database. In response to the translation request, a selector (see FIGS. 3-13) operates to select one of the servers (e.g., mirror server and alternative server) *located nearer to the requester.*” (col. 3, lines 6-11; emphasis provided). Additionally, the internet system selects the “mirror server . . . located *relatively close* to a particular user.” (col. 1, lines 43-46; emphasis provided).

Claim 1, in pertinent part, recites “returning a metafile to the requesting system, wherein the metafile includes a path to the selected edge server.” (emphasis provided). Kenner does not teach or reasonably suggest such a feature. Kenner discloses that “. . . once the user finally determine[s] which video clips are to be retrieved, the PIM identifies the most appropriate and efficient location for the DSI” (col. 13, lines 2-5) however there is no teaching or reasonable suggestion of “returning a metafile to the requesting system, wherein the metafile includes a path to the selected edge server”, as recited by claim 1. (emphasis provided).

Additionally, Rune does not teach or reasonably suggest “returning a metafile to the requesting system, wherein the metafile includes a path to the selected edge server”, as recited by claim 1. (emphasis provided). Rune discloses that “. . . the requesting host receives all of the hop counts and IP addresses from the local router and selects . . . the closest alternative server having the smallest hop count.” (col. 6, lines 23-26). However, Rune fails to teach or reasonably suggest “returning a metafile to the requesting system, wherein the metafile includes a path to the selected edge server”, as recited by claim 1. (emphasis provided).

Applicants respectfully submit that neither Kenner nor Rune, individually or combined, teach or reasonably suggest returning a metafile to the requesting system,

wherein the metafile includes a path to the selected edge server. Accordingly, Applicants respectfully request the withdrawal of the rejection to claim 1 and its dependent claims.

Claims 9, 14, 17, 24, 27 and 30 contain limitations similar to those of claims 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 9, 14, 17, 24, 27 and 30 and their dependent claims.

Claims 3, 13, 19, 25 and 34 stand rejected under 35 U.S.C. §103(a), as being unpatentable over (“Kenner”), in view of (“Rune”) and in further view of Alkhatib U.S. Patent No. 6,119,171 (“Alkhatib”).

With regard to claims 3, 13, 19, 25 and 34, they depend from one of independent claims 1, 9, 17, 24, and 30 and thus, include the limitations of the independent claim from which they depend. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 3, 13, 19, 25 and 34.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.


### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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